



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
On February 2, 2004_____

Date of Meeting: September 2, 2003

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 West Alameda, Tucson, Arizona, at 2:30 p.m. on Tuesday, September 2, 2003, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José Ibarra
Carol W. West
Kathleen S. Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup
Kathleen S. Detrick
Roger Randolph

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Vice Mayor Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor
City Clerk
Assistant City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene
Mike Letcher
Ernie Duarte

City Manager
Deputy City Manager
Development Services Director

Michael House

City Attorney

Suzanne Mesich
Dana DeLong
Debra Counsellor
Denise Gonzales

City Clerk's Office
City Clerk's Office
Recording Secretary
Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by E. Allen Stanley, Jr., Senior Pastor of Morning Star Missionary Baptist Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

Vice Mayor Scott said it was her pleasure to announce that for the last three years, the ward four council office had sponsored a "back to school bash". For those who had not heard of the event, food is served and school supplies are given out to every child who attends.

Vice Mayor Scott said that this year, they served over 1,600 pancakes; 804 scrambled eggs; 40 pounds of sausage; 20 gallons of orange juice; 20 gallons of milk; and over 115 cups of coffee.

She continued that over 50 free immunizations were given by the Tucson Fire Department paramedics. School supplies were given free to almost 500 children. There were 270 free raffle prizes and seven grand prizes, including four bicycles with helmets.

Vice Mayor Scott said she wanted everyone to know that they could not have done this by themselves. They had magnificent participation. She wanted to recognize and bring forward people in the community who had helped, in particular, her aide Rene Sowards. Vice Mayor Scott said Rene was the one who made the event happen. She coordinated 1,000 people eating breakfast; coordinated all the donations; and coordinated 77 volunteers. Vice Mayor Scott thanked her and presented her with a "3rd Annual Back to School Bash" award.

Vice Mayor Scott also recognized the sponsors who contributed: Fry's Food and Drugs; Bill Schmidt from Basha's #86; Terry Dees and Regi Kelly from Home Depot; Lakeside Neighborhood Association; Clements Center staff; and Safeway Stores. She also recognized Sgt. Sandy Sellers, TPOA, Chief Newburn from the Tucson Fire Department, and all those individuals who slaved over the stove at the event.

She also recognized World Care Tools for School who provided the school supplies for the children, along with Walmart who donated the prizes. She also thanked her staff for their assistance and for making the event such a success.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 456, dated September 2, 2003, would be received into and made a part of the record. He also announced that this was the time for any member of the council to report on current events and asked if there were any reports.

A. Traffic Signal at Greasewood and Ironwood Hills

Council Member Ibarra thanked the transportation staff for the traffic signal at Greasewood and Ironwood Hills. He said it was a Godsend to the neighborhoods and personally thanked Jim Glock and all the transportation staff, along with Jim Keene, city manager.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 457, dated September 2, 2003, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for that report.

A. Public Town Hall

James Keene, city manager, announced that the proposed University of Arizona Science Center in Rio Nuevo would be the subject of a public town hall on Wednesday, September 3, 2003, at 6:00 p.m., at the Tucson Convention Center's Leo Rich Theater. He invited the public to the town hall to learn more about the U of A's Science Center proposal for downtown Tucson. The town hall is sponsored by the Rio Nuevo Citizens Advisory Committee Science Center subcommittee, and the community can learn more about the feasibility study and the project itself. Mr. Keene indicated that a link to the feasibility study is available on the city's website.

B. COPLINK

Mr. Keene announced that the city of Tucson's COPLINK program had garnered two awards and international recognition. He said that COPLINK was one of ten finalists out of a pool of over 140 applications for the International Association of Chiefs of Police 2003 Award for Quality in Law Enforcement. The award celebrates achievements of progressive law enforcement agencies committed to making positive contributions to the communities they serve. The award has been in existence the last ten years. The 2003 winner will be announced during the IACP annual conference in Philadelphia at the end of October.

Secondly, the COPLINK program received the "Best of the Breed" award from the Center for Digital Government and Microsoft. This award recognizes the programs efforts, as determined by the annual digital county survey, which examines how municipal governments have progressed in utilizing information technology to improve the overall delivery of services to their customers and citizens.

C. Diamondback Bridge

Mr. Keene announced that the Diamondback Bridge had won two more distinguished awards. The American Council of Civil Engineering Consultants awarded the Department of Transportation with their "Outstanding Award" to be presented at the state conference in Scottsdale in October.

Mr. Keene also reported that American Road and Transportation Builders Association announced that the bridge won the group's Transportation Development's Foundation Globe Award, to be presented in Washington, DC on September 12, 2003.

For those keeping tally, Mr. Keene said the bridge had been honored eleven times, six national awards and five state awards. He congratulated all those involved.

5. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time set aside by the council for any member of the audience to come forward with any matter of importance that was not listed on the agenda. He advised that there would also be a call to the audience at the end of this meeting. Speakers were limited to three-minute presentations. He asked if anyone wished to address the council at this time. There was no one.

6. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items by letter and title only, without objection.

***A. FINANCE: CONTINGENCY FUND TRANSFER FOR BLUES AND HERITAGE FESTIVAL**

- (1) Report from City Manager SEPT2-03-460 CITY-WIDE
- (2) Resolution No. 19664 relating to finance; approving and authorizing the transfer of Three Hundred Dollars (\$300.00) from the Contingency Fund to Organization 001-183-1838-268, for police presence at the Blues and Heritage Festival, and declaring an emergency.

B. REAL PROPERTY: ACQUISITION OF PROPERTY AT CAMPBELL AVENUE AND GLENN STREET FOR A BUS SHELTER

- (1) Report from City Manager SEPT2-03-461 W3
- (2) Resolution No. 19665 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property at Campbell Avenue and Glenn Street for a bus shelter; and declaring an emergency.

C. TRANSPORTATION: AUTHORIZATION FOR THE TRANSPORTATION DEPARTMENT TO SUBMIT FEDERAL TEA-21 TRANSPORTATION ENHANCEMENT PROPOSALS

- (1) Report from City Manager SEPT2-03-462 CITY-WIDE
- (2) Resolution No. 19666 relating to transportation; authorizing the Director of the City of Tucson Department of Transportation to submit and sponsor ten Transportation Enhancement ACT-21 (TEA-21) Transportation Enhancement funding proposals to the Arizona Department of Transportation and to expend local matching funds in the event of approval; and declaring an emergency.

* See page 7

- D. ASSURANCE AGREEMENT: (S02-043) MESQUITE COVE, LOTS 1 TO 73, AND COMMON AREAS "A", "B", AND "C"
- (1) Report from City Manager SEPT2-03-454 W4
 - (2) Resolution No. 19668 relating to planning: authorizing the Mayor to execute an assurance agreement securing the completion of improvements required in connection with the approval in case No. S02-043 of a final plat for the Mesquite Cove Subdivision, Lots 1 to 73 and Common Areas "A", "B", and "C" and declaring an emergency.
- E. FINAL PLAT: (S02-43) MESQUITE COVE, LOTS 1 THROUGH 73, AND COMMON AREAS "A", "B", AND "C"
- (1) City Manager's Report SEPT2-03-455 W4
 - (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. ELECTIONS: AMENDING RESOLUTION 19652, APPROVED ON AUGUST 4, 2003, DESIGNATING POLLING PLACES FOR THE SEPTEMBER 9, 2003 PRIMARY ELECTION
- (1) Report from City Manager SEPT2-03-453 CITY-WIDE
 - (2) Resolution No. 19669 relating to elections: amending Resolution No. 19652 designating the Polling Places where votes may be cast in the City of Tucson's September 9, 2003 Primary; and declaring an emergency.
- *G. ELECTIONS: CALLING A SPECIAL ELECTION ON NOVEMBER 4, 2003 FOR PROPOSED AMENDMENTS TO THE TUCSON CHARTER AND THE TUCSON CODE
- (1) Report from City Manager SEPT2-03-466 CITY-WIDE
 - (2) Ordinance No. 9888 relating to elections: notice by the Mayor and the Council of the City of Tucson, Arizona, to the citizenry thereof, calling a Special Election on November 4, 2003, for the purpose of submitting to the qualified electors thereof questions relating to amending the Charter of the City of Tucson to provide for an increase in the present salary of the Mayor from \$3,500 per month to \$4,583.33 per month (\$55,000 annually); and, an increase in the present salary of each of the members of the Council from \$2,000 per month to \$2,666.66 per month (\$32,000 annually) as recommended by the Citizens' Commission on Public Service and Compensation; amending Sections 8 and 9 of Chapter V of the Charter of the City of Tucson.

- (3) Ordinance No. 9886 relating to finance, transportation, and elections; pursuant to Chapter IV, Section 1(20), Chapter XVI, Section 6 and Chapter XX, Section 2 of the Tucson Charter, calling a Special Election to be held in the City of Tucson, Arizona, on November 4, 2003 for the purpose of submitting to the City's qualified electors, as a referred measure, a proposed amendment to Tucson Charter Chapter IV, Section 2, Business Privilege Tax; raising the 2% limit on the Transaction Privilege Tax to 2.3%, except for the construction contracting which is raised to 6%; placing the portion of the tax over 2% into a transportation fund; each dollar apportioned between public transit (68 cents), neighborhood street maintenance (20 cents), bicycle and pedestrian improvements (10 cents), and traffic enforcement (2 cents).
- (4) Ordinance No. 9887 relating to transportation, finance, and elections; pursuant to Chapter IV, Section 1(20), Chapter XVI, Section 6 and Chapter XX, Section 2 of the Tucson Charter, calling a Special Election to be held in the City of Tucson, Arizona on November 4, 2003 for the purpose of submitting to the City's qualified electors, as a public initiative measure, proposed amendments to the Tucson Code, Chapter 30, relating to the Department of Transportation, and Chapter 19, Article II relating to Transaction Privilege Taxes to provide for a Comprehensive Transportation System and to increase the Transaction Privilege Tax Rate to 2.3% except for the Construction Contracting Tax Rate which is increased to 6%.

H. REAL PROPERTY: APPROVING LEASE AGREEMENTS WITH THE TUCSON / PIMA ARTS COUNCIL AND JES & CO.

- (1) Report from City Manager SEPT2-03-467 W6
- (2) Resolution No. 19670 relating to real property; authorizing and approving an extended occupancy agreement for a portion of the property at 240 N. Stone Avenue and an office building lease for a property at 10 E. Broadway Boulevard; and declaring an emergency.

I. REAL PROPERTY: ACQUISITION OF A VACANT PARCEL ON RIVER ROAD FOR A NEW FIRE STATION

- (1) Report from City Manager SEPT2-03-469 W3
- (2) Resolution No. 19671 relating to real property; authorizing the execution of an Agreement for the Exchange of Real Property with Pima County to construct and operate Fire Station 20; and declaring an emergency.

J. CITY COURT: CERTIFICATION OF BASELINE COURT COLLECTIONS TO STATE TREASURER

- (1) Report from City Manager SEPT2-03-470 CITY-WIDE

- (2) Resolution No. 19672 relating to City Court; certifying baseline court collections to the State Treasurer pursuant to A.R.S. Section 12-116.04; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Kathleen S. Detrick, city clerk, indicated that Item A was removed from the consent agenda at the request of Council Member Ibarra, and item G was removed at the request of Vice Mayor Scott.

It was moved by Council Member Ronstadt, seconded by Council Member Ibarra, that consent agenda items A through J, with the exception of items A and G, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal and Ronstadt;
Vice Mayor Scott and Mayor Walkup.

Nay: None

Absent/Excused: None

Consent agenda items A through J, with the exception of items A and G, were declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEM A

A. FINANCE: CONTINGENCY FUND TRANSFER FOR BLUES AND HERITAGE FESTIVAL

Resolution No. 19664

Relating to finance; approving and authorizing the transfer of Three Hundred Dollars (\$300.00) from the Contingency Fund to Organization 001-183-1838-268, for police presence at the Blues and Heritage Festival, and declaring an emergency.

Kathleen S. Detrick, city clerk, indicated that item A would be considered separately, with an amendment by Council Member Ibarra.

Mayor Walkup called on Council Member Ibarra.

Council Member Ibarra indicated he wished to add an additional allocation of \$200 from ward one.

It was moved by council Member Ibarra, seconded by Council Member West, to pass and adopt resolution number 19664, with an additional allocation of \$200 from ward one, to be added to the \$300 from ward two, for a total contribution of \$500.

Mayor Walkup asked if there was further discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup.

Nay: None

Absent/Excused: None

Resolution no. 19664 was declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEM G

G. ELECTIONS: CALLING A SPECIAL ELECTION ON NOVEMBER 4, 2003 FOR PROPOSED AMENDMENTS TO THE TUCSON CHARTER AND THE TUCSON CODE

Ordinance No. 9888

Relating to elections: notice by the Mayor and the Council of the City of Tucson, Arizona, to the citizenry thereof, calling a Special Election on November 4, 2003, for the purpose of submitting to the qualified electors thereof questions relating to amending the Charter of the City of Tucson to provide for an increase in the present salary of the Mayor from \$3,500 per month to \$4,583.33 per month (\$55,000 annually); and, an increase in the present salary of each of the members of the Council from \$2,000 per month to \$2,666.66 per month (\$32,000 annually) as recommended by the Citizens' Commission on Public Service and Compensation; amending Sections 8 and 9 of Chapter V of the Charter of the City of Tucson.

Ordinance No. 9886

Relating to finance, transportation, and elections; pursuant to Chapter IV, Section 1(20), Chapter XVI, Section 6 and Chapter XX, Section 2 of the Tucson Charter, calling a Special Election to be held in the City of Tucson, Arizona, on November 4, 2003 for the purpose of submitting to the City's qualified electors, as a referred measure, a proposed amendment to Tucson Charter Chapter IV, Section 2, Business Privilege Tax; raising the 2% limit on the Transaction Privilege Tax to 2.3%, except for the

construction contracting which is raised to 6%; placing the portion of the tax over 2% into a transportation fund; each dollar apportioned between public transit (68 cents), neighborhood street maintenance (20 cents), bicycle and pedestrian improvements

Ordinance No. 9887

Relating to transportation, finance, and elections; pursuant to Chapter IV, Section 1(20), Chapter XVI, Section 6 and Chapter XX, Section 2 of the Tucson Charter, calling a Special Election to be held in the City of Tucson, Arizona on November 4, 2003 for the purpose of submitting to the City's qualified electors, as a public initiative measure, proposed amendments to the Tucson Code, Chapter 30, relating to the Department of Transportation, and Chapter 19, Article II relating to Transaction Privilege Taxes to provide for a Comprehensive Transportation System and to increase the Transaction Privilege Tax Rate to 2.3% except for the Construction Contracting Tax Rate which is increased to 6%.

Kathleen S. Detrick, city clerk, indicated that item G would be considered separately, at the request of Vice Mayor Scott.

Mayor Walkup called on Vice Mayor Scott.

Vice Mayor Scott indicated she believed this had become a mayor and council initiative, and as a result, would be voting in a different way from the rest. Therefore, she asked that someone else make the motion.

It was moved by Council Member Ibarra, seconded by Council Member West, that ordinances 9888, 9886, and 9887 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Mayor Walkup.

Nay: Vice Mayor Scott

Absent/Excused: None

Ordinance numbers 9888, 9886, and 9887 were declared passed and adopted by a roll call vote of 6 to 1 (Vice Mayor Scott dissenting).

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication numbered 468, dated September 2, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

Roger Randolph, assistant city clerk, indicated there were no liquor license applications scheduled for this meeting.

(b) New License(s)

NOTE: There are no applications for licenses scheduled for this meeting.

(c) Special Event(s)

NOTE: There are no applications for Special Events scheduled for this meeting.

8. ZONING: (C9-02-31) US HOME – BENSON HIGHWAY, I-1 TO R-1 (Continued from the meeting of June 30, 2003)

Mayor Walkup announced that city manager's communication number 459, dated September 2, 2003, would be received into and made a part of the record. He also announced this was a request to rezone property on the north side of Julian Wash, near Benson Highway and Campbell Avenue. The preliminary proposed plan is 282 one- and two-story single family residences. The zoning examiner and the city manager recommend approval, subject to certain conditions. He asked if the applicant or representative was present, and if they were aware of and amendable to the proposed changes.

Dick Walbert, The Planning Center, said that after considerable meetings and discussions, the owner/developer agree with the staff conditions as presented. He called on Joe Cesare to spend a minute or so with the council to follow up.

James Keene, city manager, asked for clarification of staff's recommendation.

Ernie Duarte, development services director, indicated that the staff report as submitted was no different than the report which was submitted in May. Despite the negotiations and meetings held with developer and Council Member Leal, the conditions remain as originally presented.

Joe Cesare said he wanted to take a minute to thank everyone for this long endurance, from May to the present, and for the several continuances. He especially thanked Council Member Steve Leal, who held half a dozen meetings in his office with the great many people from staff, in trying to review a particular condition they felt would terminate the project.

Mr. Cesare said this project was very similar to the one on Kino Boulevard and 29th Street that U. S. Homes did, through the efforts of many people with U. S. Homes, especially David Cada, president of the land division. He said the reason he brought this up is that this is a reinvestment in an area in which he was born. He said it was a little tired and needed some rejuvenation. They had a great deal of difficulty with city staff and their process of trying to reach their decision and accepted all the conditions. He hoped that they would be able to move forward.

He said he did not want to leave without making those comments and especially thanking Council Member Leal publicly. He said Council Member Leal bent over backwards for this project. Council Member Leal got out there and understood the reinvestment that was needed in this area and what they were trying to do. Unfortunately, he did not feel they were able to get all of city staff to understand it, and they would probably be back visiting in the future. He did not want this to go without making the comment, and again thanking Mr. Leal. He said that without him, U. S. Homes Corporation would have pulled out of this development of almost 600 homes which was everything that this city and this council had worked on to get. He hoped that this would be passed on someday to city staff.

Mayor Walkup called on Council Member Leal.

Council Member Leal thanked Mr. Cesare, Mr. Cada, and city staff who participated with them over time, in what was difficult. He felt that in the end, they arrived at a common understanding and something that would provide affordable housing in the area.

It was moved by Council Member Leal, seconded by Council Member Ibarra, that in zoning case C9-02-31, to authorize the request for rezoning as recommended by the zoning examiner. Motion was declared passed by a voice vote of 7 to 0.

9. ZONING: (C9-84-25) KIVEL - KOLB ROAD, O-3 AND C-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION (Note: the Public Hearing was held on August 4, the Ordinance Adoption was continued to September 2.)

Mayor Walkup announced that city manager's communication number 463, dated September 2, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9880 by number and title only, without objection.

Ordinance No. 9880

Relating to zoning: amending Ordinance 7213; change of certain rezoning conditions for the area located on the southwest side of Kolb Road, north and south of Calle La Paz in Case C9-84-25, Kivel – Kolb Road, O-3 and C-1; and declaring an emergency.

Mayor Walkup called on Council Member West.

Council Member West indicated that this item was a change of conditions. This was an older zoning case. She said there had been several proposals for this site, including some big box stores. She felt that having luxury apartments on this parcel would be something that would be amendable to that particular part of the ward.

Council Member West said that because of the need to change some conditions, this came before the council as a public hearing in August. That public hearing was closed, but the item was continued because she felt it was necessary to have another meeting with the neighborhood, which was held. She said there was a zoning condition

that was passed to them, and she wanted to discuss it with the city attorney. She asked for some clarification on whether this was something that should be added to the ordinance adoption, or whether it was a separate agreement between the developer and the neighborhood.

Michael House, city attorney, said it was his understanding that the condition, which was distributed by Mr. Katzel, was in the form of a private agreement between the developer and the neighbors.

Council Member West said that was important, and called on Mr. Carver to come forward and advise the council if he accepted this condition between himself and the Meadows Neighborhood.

Mr. Carver said they did agree with the conditions as presented.

It was moved by Council Member West, seconded by Council Member Dunbar, to approve the request for change of conditions and preliminary development plan as recommended by the city manager and pass and adopt ordinance no. 9880.

Mayor Walkup asked if there was any further discussion.

Council Member Ibarra asked for clarification on what Mr. Carver agreed to. It was his understanding that the adjustment to the language that Mr. Katzel presented to the council was an issue that was between Mr. Katzel and the private developer, and he agreed to that. Council Member Ibarra asked Mr. Carver if this was correct.

Mr. Carver said that was correct.

Council Member West asked Michael House, city attorney, if this should be read into the record.

Mr. House said that since it was a private agreement, there was no need to read it into the record.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup.

Nay: None

Absent/Excused: None

Ordinance no. 9880 was declared passed and adopted by a roll call vote of 7 to 0.

10. FINANCIAL PARTICIPATION AGREEMENTS: WITH THE SOUTHERN ARIZONA TECH COUNCIL AND THE SOUTHERN ARIZONA INSTITUTE OF ADVANCED TECHNOLOGY FOR FISCAL YEAR 2004

Mayor Walkup announced that city manager's communication number 464, dated September 2, 2003, would be received into and a part of the record. He asked the city clerk to read resolution no. 19667 by number and title only, without objection.

Resolution No. 19667

Relating to outside agency activities; authorizing and approving the financial participation agreements between the City of Tucson and various outside organizations for Fiscal Year 2004; and declaring an emergency.

It was moved by Council Member Dunbar, seconded by Council Member West, to pass and adopt resolution no. 19667.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Resolution no. 19667 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-91-19A) LEWIS – TANQUE VERDE ROAD, C-2 ZONING, CHANGE OF CONDITIONS AND DEVELOPMENT PLAN AND ORDINANCE ADOPTION (Note: the Public Hearing was held on August 4, the Ordinance Adoption was continued to September 2.)

Roger Randolph, assistant city clerk, indicated that this item related to the residential portion of the property. The commercial portion would be considered at the September 8, 2003 meeting.

Mayor Walkup announced that city manager's communication number 465, dated September 2, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9883 by number and title only, without objection.

Ordinance No. 9883

Relating to zoning: Ordinance 7734 and Ordinance 7782 and amending conditions for the residential portion of the approval of the zoning district boundaries in the area located at the southwest corner of Desert Arbors Drive and Desert Links Drive in Case C9-91-19A, Lewis – Tanque Verde Road, C-2 zoning; and declaring an emergency.

Mayor Walkup called on Council Member West.

Council Member West indicated that this item was also heard on August 4. She said it was similar to the last item, change of conditions and ordinance adoption. It was continued so that the pedestrian access could be worked out with the developer and that had been done.

It was moved by Council Member West, seconded by Council Member Dunbar, to approve the request for change of conditions and preliminary development plan as recommended by the city manager and pass and adopt ordinance no. 9883.

Mayor Walkup asked if there was any discussion and hearing none, called for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup.

Nay: None

Absent/Excused: None

Ordinance no. 9883 was declared passed and adopted by a roll call vote of 7 to 0.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 458, dated September 2, 2003, would be received into and made a part of the record. He asked for a motion to approve the appointments as listed in the report.

It was moved by Vice Mayor Scott, seconded by Council Member West, and carried by a voice vote of 7 to 0, that Judith McDaniel and Jim Valiton be appointed to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues (GLBT); that Joan McNamara, Mollie A. Hunter and Melissa Hartman be appointed to the Pima County/City of Tucson Commission on Addiction Treatment and Prevention; that Elizabeth Edwards, Gustaf Drews, Sue Krahe, Lorraine Stockdale, Dr. Daniel Head and Christine Miller be reappointed to the Pima County/City of Tucson Commission on Addiction Treatment and Prevention; and that Scott Douthitt be appointed to the Tucson Police and Fire Public Safety Personnel Retirement System Board.

Mayor Walkup asked if there were any personal appointments by any member of the council.

Vice Mayor Scott announced her personal appointment of Rosalinda Bravo-Garcia to the Metropolitan Tucson Commission on Urban Native American Affairs.

Council Member Dunbar announced her personal appointment of Cathy Bishop to the Pima County/Tucson Women's Commission.

Mayor Walkup asked if there were any further appointments. There were none.

13. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time set aside by the council for any member of the audience to come forward with any matter of importance. Speakers would be limited to three-minute presentations. He asked if there was anyone in the audience who wished to address the council.

A. Item #9 – Rezoning Case C9-84-25.

Bill Katzel, wanted to comment on item #9 on the agenda that mayor and council just passed. He said that it was not a private agreement, it was a condition. Since it was not read into the record, he wanted to read it into the record.

Mayor Walkup called on Michael House, city attorney.

Mr. House pointed out that this issue was raised at the time and there was no statement to the contrary that the condition was not a part of the zoning case.

Mayor Walkup told Mr. Katzel that he could read the statement if he wished, but the condition was not a part of the rezoning case.

Mr. Katzel said he still wished to read his prepared statement, for the record.

“Tuesday, September 2, 2003, Testimony before the Mayor and Council, City of Tucson, Subject: C9-84-25, Kivel – Kolb Road, south west side of Kolb Road, north and south of Calle La Paz, C1-03, zoning changes, rezoning conditions / ordinance adoption, continued from the meeting of August 4, 2003, at ward two. Background: I strongly advocated for the affected constituents of the subject zoning. My August 4, 2003 testimony before the public hearing on this matter is a matter of public record. Also, my testimony at an August 18, 2003 meeting in the ward two conference room is a matter of public record. The city would not, at the present time, advocate for a traffic signal warrant at the intersection of Kolb and Calle La Paz. Mr. Roger Carver, the subject developer, and I, representative of the affected constituents, have negotiated a compromise to protect the future ingress and egress of the 348 current families of the Meadows, the 300 future families of the subject apartment development, and the future tenants and customers of the subject office complex.

Development Zoning Conditions: The following language has been negotiated and agreed upon by the developer as a condition for approval of the subject zoning. The Fenester Community shall contribute \$40,000 towards the cost of a traffic signal at the intersection of Kolb and Calle La Paz, after the city has determined, with fair and equitable consideration from the 348 existing families of the Meadows, the future 300 families of the Fenester Apartments, the future tenants and the clients of the Fenester Office Complex, that this location has met city of Tucson warrants for a traffic signal. The determination of the signal warrant should be completed within a two-year period, after the completion of the project. It is my understanding that the city is in agreement with this language as a condition of approval for this change of zoning.

Remedy: With the acceptance of this language as a condition for approval of the subject change of zoning, I withdraw my objection to the subject zoning change and fully support Mr. Carver's proposed development.

Respectfully submitted, Bill Katzel, Citizen Advocate, Property Owner and active member of the Meadows Homeowners Association. Thank you."

Mayor Walkup asked if anyone else wished to address the council.

14. ADJOURNMENT: 3:08 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, September 8, 2003, at 7:30 p.m. in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 2nd day of September, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DD:DP:sac
pr agnst tp:dmp